

# SUPREME COURT OF ARKANSAS

No.

Opinion Delivered 11-15-07

IN RE: RULES OF  
APPELLATE PROCEDURE --  
CRIMINAL, RULE 2

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## PER CURIAM

The Supreme Court Committee on Criminal Practice has recommended a change to Rule of Appellate Procedure - Criminal 2(a) to clarify that a notice of appeal is to be filed with the circuit clerk<sup>1</sup>. This recommendation is technical in nature and non-controversial. Accordingly, we accept the recommendation, adopt the amendment to Rule 2(a), and republish the rule as set out below. This amendment is effective immediately. The amendment is illustrated in the footnote.

We thank the Criminal Practice Committee for the service it performs for the court and the judicial system.

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<sup>1</sup> ...the person desiring to appeal ~~the~~ a circuit court judgment or order or both shall file with the ~~trial clerk of the circuit~~ court a notice of appeal identifying the parties taking the appeal and the judgment or order or both being appealed. The notice shall also state whether the appeal is to the Court of Appeals or to the ....

## **RULES OF APPELLATE PROCEDURE --CRIMINAL**

### **Rule 2. Time and method of taking appeal.**

(a) *Notice of Appeal.* Within thirty (30) days from

(1) the date of entry of a judgment, or

(2) the date of entry of an order denying a post-trial motion under Ark. R. Crim. P. 33.3 , or

(3) the date a post-trial motion under Ark. R. Crim. P. 33.3 is deemed denied pursuant to subsection (b)(1) of this rule, or

(4) the date of entry of an order denying a petition for postconviction relief under Ark. R. Crim. P. 37,

the person desiring to appeal a circuit court judgment or order or both shall file with the clerk of the circuit court a notice of appeal identifying the parties taking the appeal and the judgment or order or both being appealed. The notice shall also state whether the appeal is to the Court of Appeals or to the Supreme Court; and if to the Supreme Court, the appellant shall designate the applicable subdivision of Supreme Court Rule 1-2 (a) which gives the Supreme Court jurisdiction. This declaration shall be for the purpose of placing the case with one court or the other for preliminary administration. It shall not preclude the appellant from filing his or her Brief pursuant to Supreme Court Rules 4-3 and 4-4 in the alternative court if that is later determined by the appellant to be appropriate.

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### **Reporter's Notes, 2007 Amendment.**

*The 2007 amendment clarified that the notice of appeal was to be filed with the circuit clerk, not the circuit judge.*